



10/620,839

05-25-06

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants	Long Y. CHIANG, <i>et al</i>	Art Unit	1624
Application No.	10/620,839	Filed on	July 16, 2003
Examiner	Kahsay Habte, Ph.D.	Paper No.	
For	<b>FULLERENE COMPOUNDS</b>		

Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

This communication is written in response to Restriction Requirement mailed on May 11, 2006.

The Commissioner is hereby authorized to charge any fees or credit overpayments related to this application to Deposit Account No. **502980**, maintained by the SUN Law office PLLC.

Respectfully submitted,

Hsiang-ning Sun  
Attorney for Applicants  
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Customer No. 000041282  
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(713)-666-8819 (Telephone)  
(713)-665-5230 (Fax)

May 24, 2006



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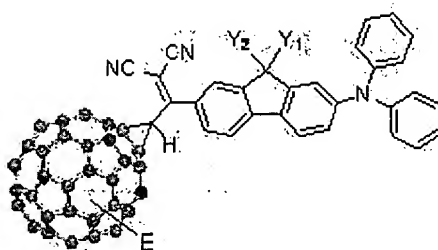
Applicants appreciate the Examiner's comments regarding their earlier election, but still respectfully traverse the Restriction Requirement as issued.

Applicants respectfully submit and reiterate that the Examiner has not pointed out which species are "independent and distinct" as required by 35 USC §121, 37 CFR §1.141, and MPEP Chapter 800. The Examiner merely gives a conclusion that there are patentably distinct species in Claim 1 without identifying those species or providing any reasoning as required by the rules. Accordingly, the Examiner has not carried the burden of providing support for the initial determination of issuing a Restriction Requirement. Therefore, the burden has not shifted, contrary to the statement in Paragraph 4 of the Restriction Requirement on Page 2, to submit or identify evidence in support of their position. Accordingly, Applicants respectfully traverse the Restriction Requirement as issued.

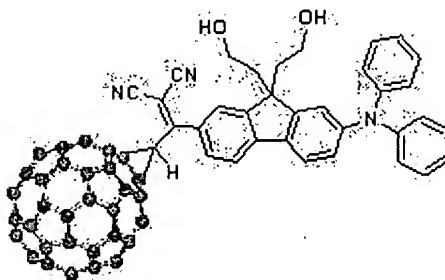
Applicants respectfully request that the Examiner reconsider and withdraw the Restriction Requirement or, in the alternative, provide sufficient information and support regarding (A) which species are independent and distinct; and (B) what reasoning is in support of such a determination.

*With traverse and without waiving any rights*, Applicants elect the following species from the formula in Claim 1 for prosecution as the Examiner requires in the Restriction Requirement:

F is fullerene core of  $C_{60}$ ;  $X_1$ ,  $X_2$ ,  $X_3$ ,  $X_4$ , and  $X_5$  are hydrogen [H];  
 W is  $=(CN)_2$ ;  $Y_1$  and  $Y_2$  are independently ethyl, hydroxyethyl,  
 methoxyethyl, solfonylbutoxyethyl, hydroxycarbonylmethyl, or  
 hydroxycarbonylethyl; n is 1-10; and r is zero:



One specific non-limiting example of the election is represented by the following compound as described in Example 11.



The Commissioner is hereby authorized to charge the time-extension (five months) fee and any other fees or credit overpayments related to this application to Deposit Account No. 50-2980, maintained by the SUN Law office PLLC.

Respectfully submitted,

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May 24, 2006

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**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as express mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

May 24, 2006

Date

A handwritten signature in black ink, appearing to read "Hsiang-ning. Sun".

Hsiang-ning. Sun

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